

INTRODUCTION

BACKGROUND

The Family Law Information Center bill (AB 2207) was introduced in the 1997-1998 session of the California legislature by Senator Martha Escutia. The Budget Act of 1999 provided \$300,000 in funding for the Judicial Council to establish three pilot projects for Family Law Information Centers that were authorized by Family Code sections 15000–15012 (Appendix A).

The Family Law Information Centers were created to “help all low-income family law litigants better understand their obligations, rights, and remedies and to provide procedural information to enable them to better understand and maneuver through the family court system.” (Fam. Code, §15000(b).)

The Legislature stated the concerns that led to the creation of the centers in Family Code section 15000(a). It found that:

1. A growing number of family law litigants are unrepresented in family law proceedings, and the primary reason for the lack of representation in these matters is their inability to afford legal assistance;
2. The inability to have access to legal resources prevents low-income litigants from fully understanding their rights and remedies in family law proceedings, thereby restricting their access to justice;
3. There is a compelling state interest in ensuring that all family law litigants better understand court procedures and requirements and that all litigants have more meaningful access to family court; and
4. It is the public policy of this state to maximize the opportunity for low-income persons to receive fair and just treatment by the family court and to decrease inequities resulting from an unrepresented party’s limited legal skills and knowledge.

The services to be provided by the family law information centers included:

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“There is a compelling state interest in ensuring that all family law litigants better understand court procedures and requirements and all litigants have more meaningful access to family court.” (Fam. Code, §15000(a)(3).)

“It is the public policy of this state to maximize the opportunity for low-income persons to receive fair and just treatment by the family court and to decrease inequities resulting from an unrepresented party’s limited legal skills and knowledge.” (Fam. Code, §15000(a)(4).)

1. Information on the nature of various types of relief available through the family court, including restraining orders, marital dissolution or legal separation, establishment of parentage, child or spousal support, disposition of property, and child custody and visitation, and the method to seek that relief;
2. Information on the pleadings necessary to be filed for relief and instructions on the proper completion of those pleadings, including information on the importance of the information called for by the pleadings;
3. Information concerning the requirements for proper service of court papers;
4. Assistance in preparing orders after court proceedings consistent with the court’s announced orders;
5. Information concerning methods of enforcing court orders in family law proceedings; and
6. Referral to low-cost legal assistance, counseling, domestic violence shelters, parenting education, mental health services, and job placement programs.

The pilot project “shall consist of three pilot project courts that shall be selected by the Judicial Council from those courts that apply to participate in the pilot project.” (Fam. Code, §15010(b)(1).)

A request for proposals was developed and sent to all of California’s court executive officers, family law facilitators, and legal services agencies that receive Interest on Lawyers Trust Accounts (IOLTA) funding.⁴ Twenty proposals were received, each of which proposed that the family law facilitator operate the Family Law Information Center. Thus, the Judicial Council was able to ensure that “the pilot project shall coordinate its services with the services of the family law facilitator, and in at least one pilot project court, the family law facilitator shall staff and provide the services of the family law information center.” (Fam. Code, §15010(b)(3).)

A special committee, the Selection Review Committee of the Family and Juvenile Law Advisory Committee of the Judicial

⁴ Family Code section 15012(j) provided that a “pilot project court may contract with a private nonprofit entity to staff and provide the services of the family law information center; however the family law information center must be located, and the services provided, in the superior court.”

Council, was established to review the family law information center applications and make recommendations regarding funding. The Committee held a final meeting on January 24, 2000, and selected three pilot projects based upon the criteria set forth in the statute, including the requirement that the Judicial Council “give priority to courts in counties that the Judicial Council determines are most underserved.” (Fam. Code, §15010(b)(4). The committee’s recommendations were made to the Judicial Council and were approved.

Based upon these criteria, the committee recommended that the pilot projects proposed by Los Angeles, Fresno, and Sutter Counties be funded. The three projects served different types of geographical areas, and anticipated providing services in different ways in order to help “determine the most effective service delivery model to provide family law information and services to unrepresented litigants.” (Fam. Code, §15010 (a)(2).)

LOS ANGELES COUNTY

Los Angeles County proposed establishing two centers, one at the central and the other at the Norwalk courthouse. Services would be provided by paralegals under the supervision of an attorney. In addition to offering assistance with family law issues, the program would serve as a referral provider for all family law agencies, develop a litigant’s resource library with videos and how-to materials, assist litigants preparing orders after hearing, and perform community education and outreach.

The number of self-represented litigants in Los Angeles County was striking. Los Angeles County had 134,443 new family law filings in fiscal year 1998–1999 and 16,667 requests for pre-trial orders. In 85 percent of these family law cases, at least one party was not represented by counsel. At the time of application, there was such a great demand for the family law facilitator’s services that litigants would line up every morning outside the facilitator’s office before the office opened. There could be anywhere from 5 to 100 people waiting when the staff arrived. The facilitator’s receptionist frequently booked one month’s worth of appointments in two days.

In Los Angeles:

85% of all family law case filings have at least one party appearing without an attorney.

FRESNO COUNTY

The Fresno County project was designed to maximize efficiency by providing services in close coordination with both the family law facilitator and a domestic violence project sponsored by Central California Legal Assistance. Fresno had a high unemployment rate, a large immigrant population, and an adolescent birthrate 40 percent higher than the state rate. Services would be offered in seven outlying courts and the civic center of Fresno County. By providing services throughout this medium-sized county, the program anticipated reaching low-income litigants in traditionally underrepresented groups including the non-English-speaking, migrants, refugees, and those who find it difficult to access the civic center because of distance.

SUTTER COUNTY

Sutter County proposed providing regional services to residents of Yuba and Colusa Counties as well as Sutter. The program anticipated a comprehensive model of one-on-one assistance, daily legal information clinics, computer work stations to allow pro per litigants to prepare forms and do basic legal research, a room for mediation, and a pro per legal research/law library “quiet work area.” The family resource center would house not only the family law information center, but also other existing services including custody/visitation mediation services, a family conflict/transition program, juvenile legal advocate services, and family and juvenile substance abuse programs. By offering services for three counties, this one program could provide concentrated assistance for the smaller counties, which had very high unemployment rates and limited services available.

The Legislature intended “that all family law services available to litigants in the superior court of each county strive to adopt policies to most effectively coordinate their activities to ensure ease of access to unrepresented litigants and to avoid unnecessary duplication of services and administrative oversight by the Judicial Council or other oversight agencies.” (Fam. Code, §15010(a)(3).)

Because the programs were operated in conjunction with the family law facilitator programs, the administrative expenses were quite low. After an initial meeting with the pilot courts to review the terms of the grants, all training sessions and

Tom's case

Tom, a young father, had been paying child support for a baby he fathered when he was still a minor. Soon after the child's birth, the mother established Tom's paternity. The mother and baby lived with the maternal grandmother. A custody order was made giving custody to the mother and supervised visitation to Tom. Tom had consistent trouble being allowed to visit with his daughter, and finally the mother and grandmother moved away leaving no forwarding address. Tom tried to get the address from the child support enforcement agency, but they could not release it to him for reasons of confidentiality. Tom had no idea how to find his child. Recently, however, Tom was informed by the child support agency that the child was living with someone other than the mother. Through a family friend, Tom was able to find out that the mother had left the little girl with a great grandfather who lived in the area. Tom came to the Family Law Information Center seeking assistance in gaining access to his daughter. Tom recognizes that a gradual introduction into her life is in her best interests. That process is currently ongoing, and it is expected that soon Tom's daughter will be living with him, his wife and their new baby.

Helen's case

Helen came to the local Family Law Information Center asking for help with the process of divorcing her husband. She had been severely abused by him for many years. When Helen came to the center, her husband had finally been incarcerated after stabbing her and deliberately setting fire to their house with Helen and the children still inside. Helen had many issues to deal with. Her children had been taken into temporary placement while she recovered from her injuries. As part of a reunification plan to regain custody of her children, Helen was looking for employment and suitable housing. At the same time, she was required to participate in her husband's criminal trial. The Family Law Information Center helped Helen file her petition for dissolution and eight months later her final judgment was granted. Even though she is safe from her husband as long as he is incarcerated, her ability to complete her divorce from him has been very important to her overall recovery from the domestic violence.

meetings were held in conjunction with facilitator training sessions. Site visits were conducted by staff in conjunction with meetings with other self-help programs. Materials developed by the Family Law Information Centers were shared between the centers (many of the materials are available at <http://aocweb/programs/cfcc/resources/selfhelp/list.htm>).

The Judicial Council was directed to “create any necessary forms to advise the parties of the types of services provided, that there is no attorney-client relationship, that the family law information center is not responsible for the outcome of any case, that the family law information center does not represent any party and will not appear in court on the party’s behalf, and that the other party may also be receiving information and services from the family law information center.” (Fam. Code, §15010(i). Form FL-945, *Family Law Information Center Disclosure*, was approved by the Judicial Council on July 1, 2000, to comply with that statute (see Appendix B).

The Judicial Council was also directed to “promulgate guidelines for the operation of the family law information center in accordance with the Rules of Professional Conduct.” (Fam. Code, §15010(f).) These guidelines were developed in consultation with the State Bar as well as Family Law Information Center and family law facilitator staff. They were circulated for comment and were approved as Division V of the Standards of Judicial Administration and titled “Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices.” These guidelines are set out in Appendix C and may also be accessed on the internet at: <http://www.courtinfo.ca.gov/rules/2002/appendix/appdiv5.pdf>.

Additionally, Family Code section 15010(h) provided that a “person employed by, or directly supervised by, an employee of the family law information center shall not make any public comment about a pending or impending proceeding in the court as provided by paragraph (9) of subdivision (B) of Canon 3 of the Code of Judicial Ethics. All persons employed by, or directly supervised by, an employee of the family law information center shall be provided a copy of paragraph (9) of subdivision (B) of Canon 3 of the Code of Judicial Ethics, and shall be required to sign an acknowledgment that he or she is aware of its provisions.” (Fam. Code, §15010(h). That statement was developed for use by all Family Law Information Center programs (see Appendix D).

The Judicial Council was further directed to conduct “an evaluation of the pilot project” and to “report to the Legislature, no later than March 1, 2003, on the success of the pilot project. The evaluation of the three pilot projects has been completed and is set out in the following report. (Fam. Code, §15010(k).)

METHODOLOGY⁵

The Legislature articulated two primary goals for the evaluation: (1) to assess the increase in access to the courts for low-income litigants as a result of the pilots; and, (2) to assess the role of this pilot project in reducing the burden on the courts with respect to litigants without lawyers. Pursuant to statute, the evaluation was to include the following data:

- The types of cases and issues for which customers sought information, including dissolution, paternity, domestic violence prevention, child custody, visitation, and child or spousal support;
- The number of people using the services of the Family Law Information Centers;
- The gender of those seeking assistance;
- The frequency with which people seeking information from the Family Law Information Centers requested help to initiate or respond to an action;
- The degree to which those using the services of the Family Law Information Centers evaluated those services favorably; and
- A survey of judges to ascertain their opinion on the role of the Family Law Information Centers in reducing the burden on the court with respect to self-represented litigants.

According to California Family Code section 15010(k), the Family Law Information Centers will be deemed successful if, among other things, they assist at least 100 low-income families per year, a majority of judges surveyed believe that the Family Law Information Centers help expedite family law cases involving pro per litigants, and a majority of customers surveyed rate the services of the Family Law Information Center favorably.

⁵ A more detailed methodology description is contained in Appendix H.

Data for this evaluation were gathered from a variety of sources.

- **PROGRAM PROCESS DATA.** Each county developed its own system for maintaining program operational data. The Sutter County pilot did not record programmatic data uniformly during the first few months of program development, but later implemented a comprehensive data collection system. The Fresno County pilot recorded data regularly. Fresno County, and later Sutter County, used the family law facilitator survey data elements for their pilot programs. The Los Angeles program collected data from its inception, but used a system entirely separate from the facilitator survey data project. Comprehensive data were available for all three pilots during fiscal year 2001-2002. There were broad categories of common information into which program details could be collapsed and compared. Those comparative data were, therefore, used for evaluation purposes, and they included information on methods of service delivery, types of services requested by the customers, types of cases, and issues within those cases.
- **CUSTOMER DEMOGRAPHIC DATA.** Each county developed its own system for collection of customer demographic data. The variance in the data collection strategies for demographics among the pilot programs mirrors that set out above with respect to program process data. Once again, the greatest amounts of comparable data were found in fiscal year 2001-2002. While there were many common categories of data collected by the programs, there was also some information only available in the two counties using the family law facilitator survey project strategy.
- **FOCUS GROUPS.** Three focus groups were held in which the directors of the pilot programs were interviewed with respect to program design, implementation progress, obstacles faced, and lessons learned. There was one focus group in each year of operation.
- **SITE VISITS.** Site visits were made to each of the three pilot Family Law information Centers. During the site visits, the evaluators were able to be present at intake and observe interaction between center staff and

customers. Evaluators toured the physical space at the centers, and engaged in open-ended discussions with staff that covered topics such as scheduling, sufficiency of staff to meet the needs of the public, and what techniques of service delivery appear most efficacious in specific circumstances.

- **WRITTEN PROGRAM DESCRIPTIONS.** As part of the evaluation, the directors of each Family Law Information Center provided detailed written program descriptions setting out their staffing, hours of operation, and administrative structures.
- **CUSTOMER SATISFACTION SNAPSHOT SURVEY.** In order to assess customer satisfaction, a written survey was made available to customers in the offices of the pilot Family Law Information Centers for a specified period of time. The same form was used in all three pilot locations between the dates of October 22, 2002, and December 31, 2002. In the survey, customers were asked if they found the services of the centers helpful and, if so, in what way. They were asked what the center could do to be more helpful. Inquiry was also made about the manner in which they were treated by pilot project staff.
- **LOS ANGELES CUSTOMER SATISFACTION FORMS.** The Los Angeles County pilot collected customer satisfaction forms from its inception. The forms were short and asked mainly open-ended questions. Responses were reviewed by evaluators for patterns in the narrative comments made by the customers. Many of the quotes from customers set out in the margins of this report come from these narratives.
- **JUDICIAL SURVEY.** In December 2002, the evaluation consultant interviewed twenty-four judges from the counties where Family Law Information Centers were located. The judges were selected on the basis of their assignments in family law. They were interviewed using a structured set of questions to ascertain their opinions of the role played by the pilots in expediting pro per family law cases. ■

METHODOLOGY

- Program Process Data
- Customer Demographic Data
- Focus Groups
- Site Visits
- Written Program Descriptions
- Customer Satisfaction Snapshot Survey
- Los Angeles Customer Satisfaction Forms
- Judicial Survey